



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 11, 2014

1402-VS-04

Exhibit 1

Petition Number: 1402-VS-04

Subject Site Address: Parcel No: 08-09-17-00-00-005.000

Petitioner: William and Karen Koss

Request: The petitioner is requesting one (1) Variance of Standard from the Westfield-Washington Zoning Ordinance (the "Zoning Ordinance") for the property located approximately 1,500 ft. south of W. 159th St. and east of Shelbourne Road and more specifically identified as Parcel No.: 08-09-17-00-00-005.000; The request is to allow a Minimum Lot Frontage on Road from two-hundred and fifty (250) feet to zero (0) feet for a single-family home in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030(B)(5)).

Current Zoning: AG-SF1 (Agriculture-Single Family Rural) District

Current Land Use: Residential

Approximate Acreage: 20.17 acres (+/-)

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioners Application
4. Proposed Access Easement Location Exhibit

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the February 11, 2014 Board of Zoning Appeals meeting.

Analysis

The subject property is 20.17 acres +/- in size and is located on the east side of Shelbourne Road; approximately fifteen-hundred (1,500) feet south of W. 159th Street (see [Exhibit 2](#)). The Property is zoned Agriculture – Single Family 1 District ("AG-SF1") and is currently a completely wooded internal lot



with no road frontage. The surrounding properties are zoned AG-SF1 and improved with single-family residential uses and/or agricultural uses.

The approval of the requested variance would allow the Property to reduce the required Minimum Lot Frontage on Road from two-hundred and fifty (250) feet to zero (0) feet. If approved, the petitioner would like to construct a single-family home on the Property in the future for a family member. As shown on the Survey Exhibit, The Property is currently unimproved and would otherwise comply with all other AG-SF1 District Standards.

Access

The access easement and driveway for the Property is proposed to be located on along the northern edge of the Property with access off W. 159th Street. The proposed twenty (20') foot access easement is illustratively identified in Exhibit 4. As part of the conditions for approval of this variance request, a recorded access easement shall be given to the Economic and Community Development Department prior to the issuance of a building permit.

Procedural

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the AG-SF1 District permits the proposed residential use and the resulting parcels would otherwise comply with or exceed the applicable standards of the AG-SF1 District.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the Property will otherwise comply with or exceed the applicable standards of the AG-SF1 District; and (ii) the approval of the variance will allow for the



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development of the Property in a manner substantially consistent with the quality and character of the surrounding area.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the zoning ordinance would result in the inability for the Petitioner to construct a single-family home on the Property. The use is permitted by the zoning ordinance and the parcel would otherwise be permitted and comply with the zoning ordinance.

Recommendation

If the Board finds the application of the terms of the zoning ordinance would result in practical difficulties in the use of the Property and adjacent property values will not be affected in a substantially adverse manner, then the Department recommends approving 1402-VS-03 with the following conditions:

1. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.
2. That the Petitioner records a twenty (20') foot access easement with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property. The access easement shall be located off W. 159th Street along the south side of the property as illustrated in Exhibit 4.